

Regular Session, 2010

HOUSE BILL NO. 964

BY REPRESENTATIVE JOHNSON

SOCIAL SERVICES DEPT: Provides for the collection of medical support for minor children subject to child support orders

1 AN ACT

2 To amend and reenact R.S. 46:236.1.1 and to enact R.S. 46:236.1.2(L), relative to family  
3 and child support programs; to provide for medical support for minor children  
4 subject to child support orders; to provide for definitions; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:236.1.1 is hereby amended and reenacted and R.S. 46:236.1.2(L)  
8 is hereby enacted to read as follows:

9 §236.1.1. Family and child support programs; definitions

10 For the purposes of this Subpart, the following items shall mean:

11 (1) "Accessible", for the purposes of health insurance, means health  
12 insurance that provides primary care services within fifty miles of the residence of  
13 the child subject to the child support order.

14 (2) "Cash medical support" means an amount ordered to be paid in a child  
15 support order toward the cost of health insurance provided by a public entity, another  
16 parent, or person with whom the child resides, through employment or otherwise, or  
17 for other medical costs not covered by insurance.

18 ~~(1)~~ (3) "Delinquent of an amount equal to one month's support" means that  
19 an obligor becomes delinquent of an amount equal to one month's support obligation  
20 on the day after a payment is due and the total amount owed equals or exceeds one

1 month's support obligation. A delinquency includes any judgment awarding  
2 retroactive support in accordance with R.S. 9:315.21 and 399.

3 ~~(2)~~ (4) "Department" means the Department of Social Services.

4 ~~(3)~~ (5) "Financial institutions" means the following:

5 (a) A depository institution, as defined in Section 3(c) of the Federal Deposit  
6 Insurance Act (12 U.S.C. 1813(c)).

7 (b) An institution-affiliated party, as defined in Section 3(u) of the Federal  
8 Deposit Insurance Act (12 U.S.C. 1813(u)).

9 (c) Any federal credit union or state credit union, as defined in Section 101  
10 of the Federal Credit Union Act (12 U.S.C. 1752), including an institution-affiliated  
11 party of such a credit union, as defined in Section 206(r) of the Federal Credit Union  
12 Act (12 U.S.C. 1786(r)).

13 (d) Any benefit association, insurance company, safe deposit company,  
14 money-market mutual fund, or similar entity authorized to do business in this state.

15 ~~(4)~~ (6) "Financial record", the meaning given such term in Section 1101 of  
16 the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401).

17 ~~(5)~~ (7) "FITAP" means Family Independence Temporary Assistance  
18 Program.

19 (8) "Medical support" means health insurance, cash medical support, and the  
20 payment of the medical expenses of the child.

21 ~~(6)~~ (9)(a) "Noncustodial parent" means an absent parent as defined in  
22 Subparagraph (b) of this Paragraph.

23 (b) "Absent parent" means any person who does not reside with his  
24 dependent child and who is responsible for providing financial support for that child  
25 and against whom the Support Enforcement Services Program is enforcing or  
26 seeking to enforce or modify a support obligation pursuant to a plan described in  
27 Title IV-D of the Social Security Act and made applicable to the state under this  
28 Subpart. An "absent parent" may include but is not limited to the natural parent,  
29 adoptive parent, and the putative or alleged father. This definition shall apply

1 retroactively to all cases that the Support Enforcement Services Program is enforcing  
2 or seeking to enforce or modify.

3 (10) "Private health insurance" means coverage by a health plan provided  
4 through an employer or union or purchased by an individual from a private health  
5 insurance company.

6 (11) "Public health insurance" means health insurance provided by a public  
7 entity.

8 (12) "Reasonable cost", as it pertains to private health insurance, means that  
9 the health insurance premiums for the minor child or children do not exceed five  
10 percent of the gross income of the parent ordered to provide support pursuant to R.S.  
11 9:315.4. There is a rebuttable presumption that public health insurance is always  
12 available at a reasonable cost.

13 ~~(7)~~ (13) "SES program administrator" means the administrator of the Support  
14 Enforcement Services program, office of family support, Department of Social  
15 Services.

16 ~~(8)~~ (14) "Support services" and "support enforcement services" means any  
17 action taken by the Department of Social Services, upon receipt of an application or  
18 referral for services or a request made under the Uniform Interstate Family Support  
19 Act, in accordance with the federal requirements of Title IV-D of the Social Security  
20 Act and corresponding state laws and regulations without regard to whether there is  
21 any existing court order, delinquency, or presumption of paternity.

22 §236.1.2. Family and child support programs; responsibilities

23 \* \* \*

24 L. The department, when providing support enforcement services, shall  
25 pursue an order to require one or both parties to provide medical support for the child  
26 or children pursuant to R.S. 9:315.4. If private or public health insurance is not  
27 available at the time the order is rendered, the court shall order the party responsible  
28 for providing medical support to provide health insurance as soon as it becomes  
29 available at a reasonable rate. If health insurance is not available to either parent at

1        a reasonable cost, the court shall order the noncustodial parent to provide cash  
2        medical support to the domiciliary party. Cash medical support may be set at an  
3        amount not to exceed five percent of the noncustodial parent's income. An award for  
4        cash medical support shall be separate from the child support order and shall not be  
5        included in the child support calculations. When a child support order has been  
6        established, the court may order each party to pay a percentage of the extraordinary  
7        medical expenses as provided in R.S. 9:315.5 as cash medical support. If no child  
8        support order has been established, the court may order each party to pay a  
9        percentage of the total medical expenses not covered by insurance as cash medical  
10       support.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Johnson

HB No. 964

**Abstract:** Adds definitions and a requirement relative to medical support for minor children subject to child support orders to present law relative to the child support program.

Present law provides for definitions for purposes of present law relative to the child support program.

Proposed law adds terms related to medical support to present law relative to definitions.

Proposed law requires that medical support be provided for children subject to child support orders.

Proposed law provides that a medical support award shall be separate from the child support order and not included in the child support calculations.

Proposed law provides that when a child support order has been established, a court may order each party to pay a percentage of extraordinary medical expenses as cash medical support.

Proposed law provides that when a child support order has not been established, a court may order each party to pay a percentage of total medical expenses not covered by insurance as cash medical support.

(Amends R.S. 46:236.1.1; Adds R.S. 46:236.1.2(L))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Made technical changes to correct a citation of the L.R.S.

House Floor Amendments to the engrossed bill.

1. Added a provision to provide that when a child support order has been established, a court may order each party to pay a percentage of extraordinary medical expenses as cash medical support; and that when a child support order has not been established, a court may order each party to pay a percentage of total medical expenses not covered by insurance as cash medical support.